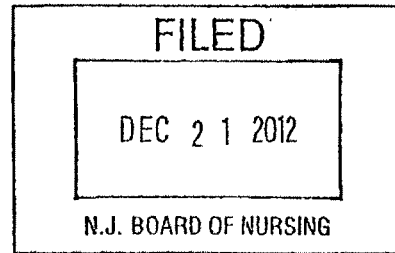
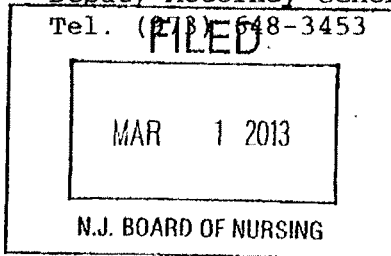


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :  
REVOCATION OF THE CERTIFICATION OF : Administrative Action

NINA POWERS, C.H.H.A.

PROVISIONAL ORDER OF DISCIPLINE

Certificate No. 26NH12078500

TO PRACTICE AS A HOMEMAKER-HOME  
HEALTH AIDE IN NEW JERSEY :

G Finalized by Default on: .  
: 02/01/2013

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Nina Powers, C.H.H.A. ("Respondent") was certified as a homemaker-home health aide in the State of New Jersey on July 14, 2010 and, thereafter, permitted her certification to lapse on November 30, 2011. (See License 2000 printout, attached and made a part hereof as Exhibit A).

2. On or about February 18, 2012, Respondent was arrested by the Dumont Police Department and charged with criminal offenses involving her care of an elderly person. The charges alleged that Respondent administered non-prescription sleeping pills to said person without having permission to do so and which were harmful to said person's health and welfare. (See Arrest Report from Dumont Police Department and pertinent portion of Complaint-Warrant, attached and made a part hereof as Exhibit B).

3. On or about February 2, 2012, the Bergen County Superior Court found Respondent guilty of (1) Count N.J.S.A. 2C:12-2B(2) Poisonous or Harmful Food and (1) Count N.J.S.A. 2C:24-8 Neglect/Abandonment of Elderly or Disabled. Respondent was sentenced to 5 years probation, 200 hours of community service, and assessed \$290.00. (See criminal history flagging letter from the Office of the Attorney General, dated April 25, 2012, attached and made a part hereof as Exhibit C).

#### CONCLUSIONS OF LAW

Respondent's conviction and the conduct underlying the conviction provide grounds to take disciplinary action against Respondent's certification to practice as a homemaker-home health aide in New Jersey pursuant to N.J.S.A. 45:1-21(c), in that Respondent has committed gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person. The above conviction also demonstrates Respondent has engaged in a crime or offense of moral turpitude in violation of N.J.S.A. 45:1-21(f).

ACCORDINGLY, IT IS, on this 21<sup>st</sup> day of December, 2012,

ORDERED that:

1. Respondent's certificate to practice as a homemaker-home health aide be and hereby is provisionally suspended for a minimum of five (5) years.

2. Respondent shall refrain from engaging in the practice of homemaker-home health aide and shall not represent herself as a certified homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

3. Respondent shall remit payment of a monetary penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$5,000.00 by certified check or money order payable to the State of New Jersey, delivered to Executive Director George Herbert, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days after notice of the entry of any Final Order is served in this matter, including any Order which is finalized by default. In the event Respondent fails to make timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. Prior to any application for reinstatement of her certification, Respondent shall:

a) Appear before the Board or a committee thereof to discuss her readiness to re-enter practice as a homemaker-home health aide. At that time Respondent shall be prepared to propose her plans for future practice in New Jersey and demonstrate she is fit and competent to practice and has been rehabilitated to the Board's satisfaction.

b) Submit payment of the \$5,000.00 monetary penalty in full and, if requested by the Board, provide proof or documentation of the same.

5. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to George Herbert, Executive Director, 124 Halsey Street, 6th floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

6. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not

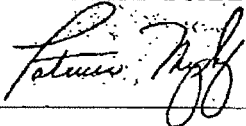
persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

7. In the event that Respondent=s submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

8. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21(e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By: \_\_\_\_\_

 P.D., APN, FAAN

Patricia Murphy, PhD, APN, FAAN  
Board President